



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
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February 11, 2008

Mr. President:

The Business and Labor Committee reports a favorable recommendation on **S.B. 220**, CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION, by Senator C. Bramble, with the following amendments:

1. *Page 1, Line 27 through Page 2, Line 36:*

- 27 (1) Except as provided in Subsection (2), an action for defective design
28 or construction is limited
29 to breach of the contract.
29 (2) An action for defective design or construction may include physical property
30 damage or
31 physical personal injury if the damage or injury is caused by the defective design or
32 construction.
31 (3) For purposes of this section, property damage does not include:
32 (a) the failure of construction to function as designed; or
33 (b) diminution of the value of the constructed property because of the
defective design or

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SB0220

Action Class



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Action Code



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34 construction.
35 (4) An action for defective design or construction may be brought only by a person in privity of
36 contract with the original contractor , architect, engineer, or the real estate developer.

Respectfully,

Kevin T. VanTassell
Committee Chair

Voting: 5-0-2

3 SB0220.SC1.WPD anicholson/AMN CRP/RCN 2/11/08 10:10 am

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